


7969-336

(5/9/2014 (

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 U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505C) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460 NOTICE OF PESTICIDE: <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Reregistration (under FIFRA, as amended)	EPA Reg. Number: 7969-336	Date of Issuance: MAY - 9 2014
	Term of Issuance: Unconditional	
	Nealta™ Miticide	
Name and Address of Registrant (include ZIP Code): Mr. Chris Hofelt BASF Corporation 26 Davis Drive Research Triangle Park, NC 27709-3528		
Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.		
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered//reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>This product is unconditionally registered in accordance with section 3(c)(5) of FIFRA provided that you:</p> <ol style="list-style-type: none">1. Submit and/or cite all data required for registration of your product under section 3(c)(5) of FIFRA when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under section 4 of FIFRA. <p>(continued on page 2)</p>		
Signature of Approving Official: See page 2 Mark Suarez, Product Manager (13) Insecticide Branch, Registration Division (7505P)	Date:	

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2. Submit within 12 months of the date of issuance of this Registration Notice, acceptable guideline studies for Storage Stability study (OPPTS GLN: 830.6317) and Corrosion Characteristics study (OPTS GLN: 830.6320) for this product.

3. **Make the following change(s) to the product label:**

Change the product registration number to "EPA Reg. No. 7969-336"

Enclosed is a copy of your label stamped "accepted"

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Submit two copies of your final printed labeling before you release the product for shipment.

If you have any questions, please contact Mr. Driss Benmhend, at (703) 308-9525 or via email at benmhend.driss@epa.gov.

Sincerely yours,



Mark Suarez
Acting Product Manager 13
Insecticide Branch
Registration Division (7505P)

Enclosure: Label Stamped "accepted"



The Chemical Company

3/11
Group 25 Acaricide

ACCEPTED

May 09, 2014

Under the Federal Insecticide, Fungicide
and Rodenticide Act as amended, for the
pesticide registered under
EPA Reg. No. 7969-336

Nealta™

miticide

For control of mites in citrus, grapes, pome fruits, strawberries,
tomatoes, and tree nuts

Active Ingredient:

cyflumetofen: (2-methoxyethyl(RS)-2-(4-*tert*-butylphenyl)-2-cyano-3-oxo-3-(α,α,α -trifluoro-*o*-tolyl)propionate) 18.7%

Other Ingredients: 81.3%

Total: 100.0%

Nealta™ miticide contains 1.67 pounds of cyflumetofen per gallon.

EPA Reg. No. 7969-XXX

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN

CAUTION/PRECAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

See inside for complete **First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty**, and state-specific crop and/or use site restrictions.

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents:

BASF Corporation
26 Davis Drive, Research Triangle Park, NC 27709

FIRST AID	
If swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • DO NOT induce vomiting unless told to do so by a poison control center or doctor. • DO NOT give anything by mouth to an unconscious person.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance; then give artificial respiration, preferably by mouth to mouth, if possible. • Call a poison control center or doctor for further treatment advice.
If in eyes	<ul style="list-style-type: none"> • Hold eyes open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after first 5 minutes; then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
HOTLINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact BASF Corporation for emergency medical treatment information at 1-800-832-HELP (4357).	

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed, absorbed through skin, or inhaled. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing. Avoid breathing spray mist.

Personal Protective Equipment (PPE)

Some materials that are chemically resistant to this product are listed below. For more options, refer to **Category A** on an EPA chemical-resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material (such as nitrile, butyl, neoprene, and/or barrier laminate)
- Shoes plus socks

Follow the manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls Statement

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

DO NOT apply directly to water, areas where surface water is present, or intertidal areas below the mean high water mark. **DO NOT** contaminate water when disposing of equipment washwater or rinsate.

Directions For Use

It is a violation of federal law to use this product in a manner inconsistent with its labeling. **DO NOT** apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

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AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers, and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

DO NOT enter or allow worker entry into treated areas during the restricted-entry interval (REI) of **12 hours**.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Chemical-resistant gloves, made of any waterproof material (such as nitrile, butyl, neoprene, and/or barrier laminate)
- Shoes plus socks

STORAGE AND DISPOSAL

DO NOT contaminate water, food, or feed by storage or disposal.

Pesticide Storage

Store in original containers only. Keep container closed when not in use. **DO NOT** store near food or feed.

Pesticide Disposal

Wastes resulting from using this product may be disposed of on-site or at an approved waste disposal facility. If these wastes cannot be disposed of according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representatives at the nearest EPA Regional Office for guidance.

Container Handling

Nonrefillable Container. **DO NOT** reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

(continued)

STORAGE AND DISPOSAL (continued)

Container Handling (continued)

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

In Case of Emergency

In case of large-scale spill of this product, call:

- CHEMTREC 1-800-424-9300
- BASF Corporation 1-800-832-HELP (4357)

In case of medical emergency regarding this product, call:

- Your local doctor for immediate treatment
- Your local poison control center (hospital)
- BASF Corporation 1-800-832-HELP (4357)

Steps to take if this material is released or spilled:

- In case of spill on floor or paved surfaces, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to label.
- Dike and contain the spill with inert material (sand, earth, etc.) and transfer liquid and solid diking material to separate containers for disposal.
- Remove contaminated clothing and wash affected skin areas with soap and water.
- Wash clothing before reuse.
- Keep the spill out of all sewers and open bodies of water.

Product Information

Nealta™ miticide is a suspension concentrate formulation containing the active ingredient cyflumetofen, a member of the beta-ketonitrile class of chemistry. When used as directed, **Nealta** provides knockdown and residual control of tetranychid mites on the crops listed on this label.

Nealta is a highly active contact miticide on egg, nymph, and adult stage tetranychid mites. Because **Nealta** is not systemic and has no translaminar activity, thorough coverage of plant surfaces is necessary for effective control.

Nealta is **not** effective on non-tetranychid mites such as broad mite, flat mite, or rust mite. See **Pests Controlled** list for mites controlled.

Nealta™ miticide is compatible with most biological control products.

Because **Nealta** is compatible with beneficial arthropods, it can be used effectively in Integrated Pest Management (IPM) and resistance management programs. **Nealta** does not have a negative impact on field populations of the following beneficial insects:

Beneficial Insects

Common Name	Scientific Name
Common lacewing	<i>Chrysopa carnea</i>
Insidious flower bug	<i>Orius insidiosus</i>
Predatory mite	<i>Amblyseius fallacies</i>
	<i>Phytoseiulus persimilis</i>
	<i>Typhlodromus pyri</i>
	<i>Zetzellia mali</i>
Seven-spotted lady beetle	<i>Coccinella septempunctata</i>
Six-spotted thrips	<i>Scolothrips sexmaculatus</i>
Spider mite destroyer	<i>Stethorus punctum</i>
Western predatory mite	<i>Galendromus occidentalis</i>

Nealta is not systemic or translaminar; therefore, **thorough coverage of plant surfaces is important for optimum performance.**

Resistance Management

Cyflumetofen, the active ingredient in **Nealta**, belongs to the group of respiration inhibitors classified by the Insecticide Resistance Action Committee (IRAC) as target-site-of-action **Group 25** acaricide, a **Mitochondria complex II electron transport inhibitor**. Repeated use of miticides with similar modes of action can lead to the buildup of resistant strains of mites.

DO NOT exceed the maximum seasonal use rate or the total number of applications of **Nealta** per season. To reduce the potential for developing mite resistance, rotate to a miticide with a different mode of action. Monitor treated mite populations for resistance development. Read product label before applying any miticide and follow label directions. Contact your local extension specialist, certified crop advisor, and/or BASF representative for additional resistance management or IPM recommendations.

Plant Tolerance

Plant tolerance to **Nealta** has been found to be acceptable in research trials for the crops listed on this label. However, due to the large number of plant species and their associated varieties or cultivars, and due to variable growing conditions, it is impossible to test every plant for tolerance to this product.

Neither the manufacturer or seller has determined whether this product can be used without injury on all varieties of

plants. It is the responsibility of the user to determine if this product can be used without causing plant injury prior to commercial use. In a small test area, test the specified rates on plants for phytotoxicity prior to large-scale use. The end user assumes all risks arising from application of **Nealta** in a manner inconsistent with the label requirements.

Pests Controlled

When used according to label instructions, **Nealta** is effective in controlling the following tetranychid mites:

Common Name	Scientific Name
Banks grass	<i>Oligonychus pratensis</i>
Brown almond	<i>Bryobia rubrioculus</i>
Brown wheat	<i>Petrobia lateens</i>
Carmine	<i>Tetranychus cinnabarinus</i>
Citrus red	<i>Panonychus citri</i>
European red	<i>Panonychus ulmi</i>
Spider mite, McDaniel	<i>Tetranychus mcdanielli</i>
Spider mite, Pacific	<i>Tetranychus pacificus</i>
Spider mite, spruce	<i>Oligonychus ununguis</i>
Spider mite, strawberry	<i>Tetranychus turkestani</i>
Spider mite, two-spotted	<i>Tetranychus urticae</i>
Spider mite, Willamette	<i>Eotetranychus willamettei</i>
Spider mite, Yuma	<i>Eotetranychus yumensis</i>
Texas citrus	<i>Eutetranychus banksi</i>

Application Instructions

For maximum effectiveness, apply **Nealta** at the first sign of mites before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply to foliage using properly calibrated ground sprayers (refer to **Crop-specific Application Instructions** table). Thorough and uniform spray coverage of foliage, with direct contact to target pest, is required for effective control. Applications made at lower volumes may result in less than thorough coverage which can lead to slower activity and/or less control than those made with higher spray volumes. Consult with your local or state extension personnel for advice on miticide use and selection.

Nealta is rainfast one (1) hour after an application has dried.

Apply Nealta in sufficient volume of water to ensure thorough coverage of foliage. For thorough coverage, use higher water volume.

Apply **Nealta™ miticide** in minimum water volume per acre as indicated in **Crop-specific Application Instructions** table. Because **Nealta** is not systemic or translaminar, thorough coverage of plant surfaces is necessary for effective control. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Controlling Spray Drift

Variable Winds. DO NOT apply in variable wind conditions.

Wind Direction. Wind direction (e.g. away from nontarget areas) must be based on the average direction (not instantaneous).

Wind Speed. Maximum sustained wind must not exceed 15 mph measured at the nozzle height (release height).

Inversion Restriction. DO NOT apply if conditions will entrain spray droplets (consult Pasquill stability categories).

Sensitive Areas. To ensure the protection of threatened or endangered species, it is important to maintain spray drift loadings below levels of concern for any area adjacent to the application site that is not excluded as possible habitat for these organisms. The following restrictions apply:

- **Buffer distance** - 15 feet
- **Release height** - 20 inches
- **Droplet size** - A combination of spray nozzles and appropriate pressure must be selected to provide ASABE standard S571.1 droplet size category of fine ($DV_{0.5}$ of ≥ 180 microns) or coarser than fine.
- **Maximum wind speed** - 15 mph

Cleaning Spray Equipment

Spraying equipment must be cleaned thoroughly before and after applying this product, particularly if a product with potential to injure crops was used before **Nealta**.

Additives and Tank Mixing Information

Shake container well before use.

Nealta can be tank mixed with most recommended fungicides, insecticides, liquid fertilizers, biological control products, adjuvants, and additives.

Under some conditions, the use of additives or adjuvants can improve the performance of **Nealta**. However, all varieties and cultivars have not been tested with all possible tank mix combinations. Local conditions can also influence crop tolerance and may not match those under which BASF has conducted testing. Physical incompatibility, reduced disease control, or crop injury can result from mixing **Nealta** with other products.

Before using any tank mix (fungicides, insecticides, liquid fertilizers, biological control products, adjuvants, and additives), test the combination on a small portion of the crop to be treated (including plant cultivars) to ensure that a phytotoxic response will not occur as a result of application. Evaluate for crop response 3 to 7 days before making an application to the entire crop.

When an adjuvant is to be used with this product, BASF recommends the use of a Chemical Producers and Distributors Association certified adjuvant.

Consult a BASF representative or local agricultural authorities for more information concerning additives.

Mixing Order

1. **Water** - Begin by agitating a thoroughly clean sprayer tank 3/4 full of clean water.
2. **Agitation** - Maintain constant agitation throughout mixing and application.
3. **Inductor** - If an inductor is used, rinse it thoroughly after each component has been added.
4. **Products in PVA bags** - Place any product contained in water-soluble PVA bags into the mixing tank. Wait until all water-soluble PVA bags have fully dissolved and the product is evenly mixed in the spray tank before continuing.
5. **Water-dispersible products** (such as **Nealta**, dry flowables, wettable powders, other suspension concentrates, or suspo-emulsions)
6. **Water-soluble products**
7. **Emulsifiable concentrates** (such as oil concentrates when applicable).
8. **Water-soluble additives** (such as AMS or UAN when applicable)
9. **Remaining quantity of water**

Make sure each component is thoroughly mixed and suspended before adding tank mix partners. Maintain constant agitation during application.

Restrictions and Limitations

- **DO NOT** exceed the maximum seasonal use rate, the maximum rate per application, or the total number of **Nealta** applications per season as stated in **Crop-specific Application Instructions** table. Preharvest Interval (PHI) restrictions are also included in this table.
- **DO NOT** apply through any type of irrigation system.
- **DO NOT** apply if rain is expected before the spray is dry for 1 hour. **Nealta** is rainfast 1 hour after drying.
- **DO NOT** apply **Nealta** via aerial application.

Crop-specific Application Instructions

Crop	Pest	Product Use Rate per Application fl ozs/A	Minimum Time from Application to Harvest (PHI) days
Citrus Fruit Group Calamondin Citrus citron Citrus hybrids Chironja Grapefruit Kumquat Lemon Lime Mandarin orange (sour and sweet) Pummelo Satsuma Tangelo Tangerine Tangor	See Pests Controlled under Product Information section	13.5 to 13.7	7

For knockdown and residual control of mites in citrus fruit, apply **Nealta™ miticide** at first sign of infestation.

DO NOT make **Nealta** applications at intervals shorter than 14 days.

For maximum effectiveness, apply **Nealta** at the first sign of mites, and before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply **Nealta** in at least 100 gallons of spray solution per acre; **for small nonbearing trees**, apply in at least 50 gallons of spray solution per acre. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Resistance Management. DO NOT make more than 1 **Nealta** application before using an effective miticide with a different mode of action.

DO NOT apply more than 27.4 fl ozs/A per season per crop.

Crop	Pest	Product Use Rate per Application fl ozs/A	Minimum Time from Application to Harvest (PHI) days
Grapes	See Pests Controlled under Product Information section	13.5 to 13.7	14

For knockdown and residual control of mites in grapes, apply **Nealta** at first sign of infestation.

DO NOT make **Nealta** applications at intervals shorter than 14 days.

For maximum effectiveness, apply **Nealta** at the first sign of mites, and before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply **Nealta** in at least 50 gallons of spray solution per acre. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Resistance Management. DO NOT make more than 1 **Nealta** application before using an effective miticide with a different mode of action.

DO NOT apply more than 27.4 fl ozs/A per season per crop.

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Crop-specific Application Instructions (continued)

Crop	Pest	Product Use Rate per Application fl ozs/A	Minimum Time from Application to Harvest (PHI) days
Pome Fruit Group Apple Crabapple Loquat Mayhaw Oriental pear Pear Quince	See Pests Controlled under Product Information section	13.5 to 13.7	7

For knockdown and residual control of mites in pome fruit, apply **Nealta™ miticide** at first sign of infestation.

DO NOT make **Nealta** applications at intervals shorter than 14 days.

For maximum effectiveness, apply **Nealta** at the first sign of mites, and before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply **Nealta** in at least 100 gallons of spray solution per acre; **for small nonbearing trees**, apply in at least 50 gallons of spray solution per acre. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Resistance Management. DO NOT make more than 1 **Nealta** application before using an effective miticide with a different mode of action.

DO NOT apply more than 27.4 fl ozs/A per season per crop.

Crop	Pest	Product Use Rate per Application fl ozs/A	Minimum Time from Application to Harvest (PHI) days
Strawberry	See Pests Controlled under Product Information section	13.5 to 13.7	1

For knockdown and residual control of mites in strawberries, apply **Nealta** at first sign of infestation.

DO NOT make **Nealta** applications at intervals shorter than 14 days.

For maximum effectiveness, apply **Nealta** at the first sign of mites, and before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply **Nealta** in at least 50 gallons of spray solution per acre. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Resistance Management. DO NOT make more than 1 **Nealta** application before using an effective miticide with a different mode of action.

DO NOT apply more than 27.4 fl ozs/A per season per crop.

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Crop-specific Application Instructions (continued)

Crop	Pest	Product Use Rate per Application fl ozs/A	Minimum Time from Application to Harvest (PHI) days
Tomato	See Pests Controlled under Product Information section	13.5 to 13.7	3

For knockdown and residual control of mites in tomatoes, apply **Nealta™ miticide** at first sign of infestation.

DO NOT make **Nealta** applications at intervals shorter than 14 days.

For maximum effectiveness, apply **Nealta** at the first sign of mites, and before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply **Nealta** in at least 50 gallons of spray solution per acre. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Resistance Management. DO NOT make more than 1 **Nealta** application before using an effective miticide with a different mode of action.

DO NOT apply more than 27.4 fl ozs/A per season per crop.

Crop	Pest	Product Use Rate per Application fl ozs/A	Minimum Time from Application to Harvest (PHI) days
Tree Nuts Group Almonds Beech nut Brazil nut Butternut Cashew Chestnut Chinquapin Filbert Hickory nut Macadamia nut Pecan Walnuts (black and English)	See Pests Controlled under Product Information section	13.5 to 13.7	7

For knockdown and residual control of mites in tree nuts, apply **Nealta** at first sign of infestation.

DO NOT make **Nealta** applications at intervals shorter than 14 days.

For maximum effectiveness, apply **Nealta** at the first sign of mites, and before the population increases. Application should be timed to coincide with locally recommended treatment threshold levels in developing mite populations.

Apply **Nealta** in at least 100 gallons of spray solution per acre; **for small nonbearing trees**, apply in at least 50 gallons of spray solution per acre. Applying **Nealta** at spray volumes lower than directed can make it harder to obtain thorough crop coverage and may reduce performance.

Resistance Management. DO NOT make more than 1 **Nealta** application before using an effective miticide with a different mode of action.

DO NOT apply more than 27.4 fl ozs/A per season per crop.

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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The Chemical Company